

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
May 4, 2016**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Absent	Darla Blazey Director of Community Development/Planning	- Absent
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Matt Schaick	-Present		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the April 6, 2016 regular meeting were reviewed. There was one correction. In regards to Dr. Chou's off-street parking variance, in the second paragraph on page 4, it should read, "Matt Schaick voted against the motion. Motion carried 4-1," instead of, "Motion carried 5-0." Secretary Buck made a motion to approve the minutes as corrected. Matt Schaick seconded it. The motion carried 4-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Mike W. Chou, M.D., P.C. for the following variances: (1) from Section 16.035.040(4) [visual impairment]; and (2) from Section 16.035.050(1)(d) [square footage of sign]

TABLED

NEW BUSINESS

Petition of Jasper Engineering, Inc., (as owner) and Dubois Equipment Co., LLC, (as tenant) for a 122-square foot variance from Section 16.035.060 (Business and Industrial Zoning Sign Standards) for wall sign size

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Dubois Equipment Co., LLC, to request a variance to replace a sign on the building located at 630 Third Avenue. Jim Arvin, President of Dubois Equipment Co., LLC, was also present.

Mr. Buehler displayed a sketch of the proposed sign, which would be constructed with an aluminum composite material. The reason for the request is that the company name changed from Dubois Machine to Dubois Equipment. The current signage is painted on the brick face on the front of the building and has been there for more than 50 years. Plans are to cover the existing sign with a new painted sign. Mr. Buehler explained that painting the existing sign would cost significantly more and be more difficult to maintain.

According to the width of the front of the building (80 feet), the City's ordinance states that the company is allowed 80 square feet. In order to cover the entire existing sign, the petitioner is requesting the new sign to match the existing one, 202 square feet. Attorney Kabrick explained that if the petitioner repainted the sign as is, no variance would be needed. It would be considered a legal non-conforming use. However, a variance is required because of the change in the method of how the sign is being placed on the building.

There were no remonstrators present. Following some discussion, Secretary Buck made a motion to close the public hearing. Matt Schaick seconded it. Motion carried 4-0.

Secretary Buck made a motion to grant a variance from Section 16.035.060 as presented, not to exceed 202 square feet. Matt Schaick seconded it. Motion carried 4-0.

Petition of Nicholas and Kristen Werne for two variances from Section 16.02.140 (Height Regulations) for a proposed accessory building and principal structure

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Nicholas and Kristen Werne to request a variance to construct their residence at 3703 Eagle Point, with a height of 39 feet. A site plan of the house was displayed. There are areas that do not exceed the 35-foot limit although the average height would reach 39 feet due to a walk out basement.

The Wernes are also requesting a variance for a detached garage they intend to construct with a height of 25 feet. The proposed height would aesthetically match the roof of the house. Plans are to use part of the garage as a pool house.

Discussion followed. With no remonstrators present, Secretary Buck made a motion to close the public hearing. Matt Schaick seconded it. Motion carried 4-0.

Secretary Buck made a motion to grant a variance from Section 16.02.140 (Height Regulations) for a primary structure to be constructed, with the average height not to exceed 39 feet. Matt Schaick seconded it. Motion carried 4-0.

Secretary Buck made a motion to grant a variance from Section 16.02.140 (Height Regulations) for an accessory building to be constructed, with the average height not to exceed 25 feet. Matt Schaick seconded it. Motion carried 4-0.

Patterson Litigation update

Attorney Kabrick shared an update with the board regarding the ongoing litigation between Darren Patterson and Jasper Rifle and Gun Club. A lengthy hearing was held two weeks ago regarding Patterson's motion for a temporary injunction against the Gun Club. Judge Bill Weikert will be visiting the property before making a final determination on the petition for an injunction. Attorney Kabrick said she will keep the board informed on the outcome.

ADJOURNMENT

With no further discussion, Secretary Buck made a motion to adjourn the meeting, seconded by Matt Schaick. Motion carried 4-0, and the meeting was adjourned at 6:59 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister